THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITIONS No.24120, 24121 AND 24125 OF 2005

COMMON ORDER:

The third respondent herein has acquired a large extent of Acs.114.28 gts., of land situated at Gollaguda village for laying/ constructing a broad gauge railway line from Bibinagar to Nadikudi. Various extents of lands of the petitioners were also acquired. Initially, the Land Acquisition Officer awarded a sum of Rs.4,000/- per acre and the same was ultimately enhanced by this Court to Rs.48,400/- per acre or Rs.10/- per Sq.yard. The same was confirmed by the Supreme Court. When the amount was not paid, the petitioners herein filed execution petitions in the year 2000, after the dismissal of the S.L.P., by the Supreme Court. It is alleged that only a part of the amount was paid and the entire amount as per the calculation memo filed by the petitioners, which is legitimately due to them (according to them) was not paid. Therefore, placing reliance on judgment of this Court in **B.A.Bhavani v. Land Acquisition Officer**, which is a decision of a Bench of five learned Judges of this Court, the present writ petition is filed seeking a declaration that the action of the respondents in not depositing the entire decretal amount in various execution petitions filed by the petitioners being E.P.Nos.9 of 1998, 10 of 1999 and 37 of 2000 on the file of the Court of the Senior Civil Judge, Nalgonda, is illegal and arbitrary. A consequential direction is also sought to the respondents, namely, Government of Andhra Pradesh in Transport, Roads & Buildings Department, the District Collector, and the Special Deputy Collector-cum-Land Acquisition Officer, to deposit the amount as per the calculation memo.

Heard the learned Counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Land Acquisition). Admittedly, the respondents, who are Judgment Debtors in the execution petitions, have deposited some amounts, which according to the petitioners do not satisfy the decrees passed by this Court modifying the decrees passed by the Court of the Senior Civil Judge, Nalgonda. It is also not denied that the Judgment Debtors in the execution petitions before the Court of the Senior Civil Judge, Nalgonda did not file their objections to the calculation memos filed by the petitioners in original petitions. When this was pointed out, the learned Assistant Government Pleader submits that the third respondent is already prepared various work sheets/calculation memos in all the execution petitions and they will be filed very shortly before the executing Court. Therefore, it would not be proper for this Court to decide the main question whether the petitioners herein are entitled for the compensation as calculated by them or the entire amount has already been paid as alleged by the respondents. This question has to be decided by the Court of Senior Civil Judge, Nalgonda having regard to the various contentions of the claimants/owners of the lands and the Judgment Debtors in the execution petitions.

In view of the above, these writ petitions are disposed of giving liberty to the third respondent to file calculation memos and/or objection petitions, within a period of one week from the date of receipt of a copy of this order, in E.P.Nos.9 of 1998, 10

of 1999 and 37 of 2000 on the file of the Court of the Senior Civil Judge, Nalgonda. As and when such objections are filed, the learned Senior Civil Judge, Nalgonda before whom these cases are pending shall pass appropriate orders within a period of four weeks thereafter. It shall be open to the petitioners to avail appropriate remedies under Civil Procedure Code, if any adverse order is passed against them.

The writ petitions are, accordingly, disposed of. No costs.

_____

November 11, 2005. (**V.V.S.RAO,J**)

NOTE:

Issue order copy

today.

Dispatch copy of this order to Sr. Civil Judge, Nalgonda,

(B/o)

YS